

HipSaver's Objections to Posey's Final Exhibit List

Ex. No.	Description	HipSaver's Objections
Ex.1	Article: Hip Protector Compliance: A 13- Month Study on Factors and Cost In a Long-Term Care Facility by Burl, et al.	None
Ex. 4	Partial Guidelines for Environmental Infection Control in Health-Care Facilities	None
Ex. 5	Guidelines for Laundry In Health Care Facilities	None
Ex. 7	Settlement Agreement (PC 0365-373)	None
Ex. 8	Letter dated 04/09/96 and results of impact test	None
Ex. 9	Interpretation of Biomechanical Testing of HipSaver Dual-mechanism Shunting/Absorbing airPad (HS2 0046-49)	None

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Ex. 10	Article: Hip Pads: Effective Fracture Prevention by Gross et al. (HS2 0043-45)	None
Ex. 13	HipSaver approximate units sold per year (HS2 0034)	None
Ex. 14	HipSaver Complaint dated 05/04/2005	None
Ex. 17	Email dated 05/21/02 from E. Goodwin to E. Posey (PC 0187-189)	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803
Ex. 36	Letter dated 03/07/05 from E. Posey to E Goodwin	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 37	Email dated 03/18/05 from E. Goodwin to E. Posey (PC 0099-100)	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803
Ex. 38	Email dated 03/19/05 from E. Goodwin to E. Posey	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803
Ex. 39	Email dated 03/21/05 from E. Goodwin to E. Posey (PC 0095-96)	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803

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Ex. 42	Email dated 04/02/05 from E. Goodwin to E. Posey re CDC laundry	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803
Ex. 43	2003 HipSaver Catalog	FRE 401; FRE 402
Ex. 45	HipSaver Open-Bottom 3 Snap (HS2 0028-29)	None
Ex. 49	HipSaver response to Posey's First Set of Interrogatories, dated 09/16/05	None
Ex. 50	HipSaver response to Posey's First Request for Production dated 08/25/05	None
Ex. 55	Partial 2001 HipSaver Tax Return (HS2 0081-82)	None
Ex. 56	Partial 2002 HipSaver Tax Return (HS2 0082-83)	None
Ex. 57	Partial 2003 HipSaver Tax Return (HS2 0084-85)	None
Ex. 58	Partial 2004 HipSaver Tax Return (HS2 0086-87)	None

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Ex. 64 and Ex. 1020	ASTM Designation F355 – 95 (PC 1914 – 1917)	None
Ex. 65	Article: Parkari, et al. Force Attenuation Properties of Various Trochanteric Padding Materials Under Typical Falling Conditions of the Elderly, Journal of Bone and Mineral Research, Vol. 9, 11/09/94, pp.1391-96 (G 0285-90)	FRE 401; FRE 402; FRE 802 FRE; 803
Ex. 69	Letter dated 03/20/2001 from Walters to Sturkie (G 0259)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 70	ASTM Designation F1292-99 (PC 1876-1890)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 74	Letter dated 06/27/01 from Garwood to Walters (G 0239)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 76	Hipsters Impact Absorption Testing (G 0243)	FRE 802; FRE 803; FRE 901

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Ex. 84	Posey Sales Data (PC 1468)	None
Ex. 93	Environmental Test Report dated 01/18/05 (G 0116-0145)	None
Ex. 110	Environmental Test Report dated 05/28/03 (PC 1301-1339)	FRE 401; FRE 402
Ex. 116	Garwood Brochure (PC 1788-1801)	None
Ex. 124	HipSaver unit cost sheet (HS2 0326)	None
Ex. 125	HipSaver US Sales (HS2 0325)	None
Ex. 126	HipSaver unit cost sheet (for US sales 2005)	None
Ex. 127	2004 HipSaver Tax Return (HS2 0417-0425)	None

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Ex. 129	Letter dated 04/29/96 from Hayes to Goodwin re: pad testing (HS2 0138-0143)	FRE 401; FRE 402
Ex. 130	02/21/00 Trochanteric padding material tests – HipSaver (HS2 0151-52)	FRE 401; FRE 402
Ex. 131	09/15/00 Trochanteric pad tests – HipSaver (HS2 0153-54)	FRE 401; FRE 402
Ex. 134	2003 HipSaver Tax Return (HS2 0408-0416)	None
Ex. 135	2002 HipSaver Tax Return (HS2 0399-407)	None
Ex. 136	2001 HipSaver Tax Return (HS2 0388-0398)	None
Ex. 139 and Ex. 158	Screen shot from HipSaver website – Hip Protectors and the Laundry	FRE 401; FRE 402

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Ex. 140 and Ex. 171	Screen shot from HipSaver website – Validation and Testing	FRE 401; FRE 402
Ex. 147	Email dated 10/20/06 from Epstein to Shukla	FRE 401; FRE 402
Ex. 152	Handwritten notes (RJE 001-002)	FRE 401; FRE 402
Ex. 1002	Email dated 05/06/03 from Goodwin to Stalhanske re Posey hip protectors (HS2 2058-59)	FRE 401; FRE 402
Ex. 1004	Letter dated 04/22/05 from E. Posey to E. Goodwin (HS2 2290-2292)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1005	Letter dated 05/03/05 from E. Dailey to E. Posey	FRE 401; FRE 402
Ex. 1006	Undated Instron Literature (HS2 1743-46)	FRE 401; FRE 402; FRE 802; FRE 803

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Ex. 1006a	Undated Instron Literature	FRE 401; FRE 402
Ex. 1007	Email string dated 05/18/02 from Ed. Posey to M. Keefe, et al. (PC 0192-194)	FRE 401; FRE 402; FRE 802; FRE 803; FRE 805
Ex. 1009	Email dated 11/04/03 from Nentrup to E. Posey re: feedback (PC 2015-2016)	FRE 401; FRE 402; FRE 802; FRE 803; FRE 805
Ex. 1019	Environmental Test Report dated 08/07/01 (PC 001-074)	None
Ex. 1022	Email string dated 01/22/04 from Evans to Taylor, including message from Lewis (HS2 0816-819)	FRE 401; FRE 402
Ex. 1003	Letter dated 04/08/05 from E. Goodwin to E. Posey (PC 0394)	FRE 401; FRE 402
Ex. 114	Environmental Test Report dated 01/08/05 (PC 420-452)	None
Ex. 91	Environmental Test Report dated 05/02/01 (G 0246-291)	FRE 401; FRE 402

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Ex. 1014	Environmental Test Report dated 05/02/01 (PC 0453-796)	FRE 401; FRE 402
Ex. 1125	Summary of Hipster Sales (PC 0809)	None
Ex. 1015	Letter dated 06/22/01 from Walter to Sturkie (PC0812)	FRE 401; FRE 402
Ex. 1018	Impact Test data (PC 0815)	None
Ex. 1016	Documents re Bids for Garwood Testing (PC 0819-0823)	FRE 401; FRE 402
Ex. 1017	Letter dated 06/22/01 from V. Walters to T. Sturkie (PC 0830)	FRE 401; FRE 402
Ex. 75	Letter dated 07/05/01 from V. Walters to T. Sturkie (PC 0831)	FRE 401; FRE 402
Ex. 105	Email string dated 09/25/03 from R. Carr to C. Kline (PC 0919-920)	None
Ex. 1023	Posey Advertisement (PC 1025-26)	None

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Ex. 1024	Partial 2002 Posey Catalog (PC 1029-30)	None
Ex. 1025	Partial 2002 Posey Patient Safety Division Catalog (PC 1031-1032)	None
Ex. 1026	Partial 2003 Posey Complete Healthcare Catalog (PC 1033-35)	None
Ex. 1027	Partial 2004 Posey Healthcare Product Selection Guide (PC 1036-37)	None
Ex. 1028	Partial 2005 Posey Healthcare Product Selection Guide (PC 1038-39)	None
Ex. 1029	Partial 2006 Posey Healthcare Product Catalog (PC 1040-1042)	None
Ex. 1030	Posey Hipsters Product Inserts - M6139 (PC 1043-1044)	None

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Ex. 1031	Posey Hipsters Product Insert – M6139 (PC 1045-1046)	None
Ex. 1032	Posey Hipsters Product Insert – M6139 (PC 1047-1048)	None
Ex. 1033	Posey Hipsters Product Insert – M6139 (PC 1049-1050)	None
Ex. 1034	Posey Hipsters Product Insert – M6139 (PC 1051-52)	None
Ex. 1035	Posey High Durability Hipster Product Insert - M6127 (PC 1055-1056)	None
Ex. 1036, 1037, 1038, 1039, 1040	Posey Hipsters Product Inserts - M6016 (PC 1057-1066)	None
Ex. 1041, 1042, 1043	Posey EZ On Hipsters Product Inserts - 5017 (PC 1067-1072)	None

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Ex. 1044, 1045, 1046, 1047, 1048, 1049, 1050	Posey Tight Rope Walker Flyers - M6079 (PC-1073-1096)	None
Ex. 1051	Email dated 05/09/05 from V. Lewis to E. Posey re Hipster Literature Changes (PC 1097)	FRE 401; FRE 402; FRE 403; FRE 404; FRE 802; FRE 803
Ex. 1126	Sample of Hipster pad (PC1111-1112)	FRE 401; FRE 402
Ex. 111	Environmental Test Report dated 07/30/03 (PC 1118-1165)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 112	Environmental Test Report dated 10/02/03 (PC 1166-1193)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 113	Environmental Test Report dated 07/07/04 (PC 1194-1247)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 115	Environmental Test Report dated 03/31/05 (PC 1248-1300)	None

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Ex. 109	Environmental Test Report dated 09/20/02 (PC 1340-1367)	FRE 401; FRE 402
Ex. 1021	Exemplars of tested pads (PC 1475-1482)	None
Ex. 1092	Complete 2003 Guidelines for Environmental Infection Control in Health-Care Facilities (PC 1483-1731)	None
Ex. 1052	Posey Tight Rope Walker Flyers - M6079 (PC 1747-1750)	None
Ex. 1054, 1055, 1056	Posey Product Instruction Sheets w/Change Notices (PC 1751-59)	None
Ex. 1053	List of M6079 Shipments (PC 1770-1787)	None
Ex. 1057, 1058, 1059, 1060	Posey Hipsters Product Inserts w/Change Notices (PC 1814-1825)	None
Ex. 1061	Posey Hipsters w/High Durability Pads Product Insert w/Change Notice (PC 1829-31)	None

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Ex. 1062, 1063	Posey EZ On Hipsters Product Inserts w/Change Notices - M5017 (PC 1832-1837)	None
Ex. 78, 79, 80	Photographs of Garwood testing equipment (PC1918- 1920)	None
Ex. 1120	Letter dated June 14, 2004 from Hayes to Dailey (PC 5868-5875)	None
Ex. 1131	HipSaver Flyer (PC 1922)	FRE 401; FRE 402
Ex. 1008	Letter dated 09/08/05 from J. Minns to Kay w/attached test results (PC 1971-1978)	FRE 401; FRE 402
Ex. 1001	HipSaver Laundry Label (PC 1986)	None
Ex. 1131 (dupe exhibit no.)	Spec sheet (PC 2099-2100)	FRE 401; FRE 402
Ex. 1093	TRSA - Guidelines for Healthcare Linen Service - 1999 (PC 2101-2112)	FRE 401; FRE 402

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Ex. 1094	TRSA - Healthcare Service Operations Manual (PC 2113-2155)	FRE 401; FRE 402
Ex. 1132	Raw Material Specification (PC 2476)	FRE 401; FRE 402
Ex. 1133	Rogers Technical Data (PC 2834-2856)	FRE 401; FRE 402
Ex. 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074	Various Finished Goods Change Notices For Hipsters (PC 2860-2892)	FRE 401; FRE 402
Ex. 1140	Hipster Sales Summaries (PC 2893-2904)	None
Ex. 1141	Hipster Monthly Sales (PC 2998-99)	None
Ex. 1075, 1076, 1077, 1078, 1079, 1080	Hipsters Advertising (PC 3000-3011)	None
Ex. 1013	Exemplars of Posey Hipsters produced at Posey's Rule 30(b)(6) depositions	None

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Ex. 1012	Exemplars of Posey Hipsters tested at Tampere	For the reasons stated in HipSaver's Motion in Limine [D.N. 241], HipSaver objects to the introduction of the 2006 Tampere test.
Ex. 1136	Exemplars of the parties' respective products	None
Ex. 144	Expert Report of Creighton Hoffman and Philip Green (PC 3189-3206)	None
Ex. 1090	Supplemental Expert Report of Creighton Hoffman and Philip Green	None
Ex. 162	Expert Report of Edward Ebramzadeh	None
Ex. 163	Supplemental Expert Report of Edward Ebramzadeh	None
Ex. 165	Injury Biomechanics Clearly Explained	None

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Ex. 168	Letter dated 10/20/06 from Dailey to Hayes (WCH 0110-112)	FRE 401; FRE 402
Ex. 154	Expert Report of Kevin Minissian	For the reasons stated in HipSaver's Motion in Limine [D.N. 243], HipSaver objects to the testimony and expert reports of Kevin Minissian
Ex. 155	Supplemental Expert Report of Kevin Minissian	For the reasons stated in HipSaver's Motion in Limine [D.N. 243], HipSaver objects to the testimony and expert reports of Kevin Minissian
Ex. 1091	Exemplars of Posey Hipsters washed at direction of Minissian	FRE 901
Ex. 1110	Expert Report of Gary Reich	For the reasons stated in HipSaver's Motion in Limine [D.N. 247], HipSaver objects to the testimony and expert reports of Gary Reich
Ex. 1111	Supplemental Expert Report of Gary Reich	For the reasons stated in HipSaver's Motion in Limine [D.N. 247], HipSaver objects to the testimony and expert reports of Gary Reich
Ex. 1142	Sales and Costs of Designated Posey Fall Management Products 2001-2005 (PC 3382-3396)	None

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Ex. 1143	Sales and Costs of Posey Hip Protection Products 2001-2005 (PC 3397-3421)	None
Ex. 1144	Bill to Customer Names and Addresses (PC 3422-3428)	None
Ex. 1145	Ship to Address and Hipster Sales 2001-2005 (PC 3429- 3852)	None
Ex. 1146	Payment Application Data 2001-2005 (PC3853-3962)	None
Ex. 1147	Posey Tax Return - 2001 (PC 5232-5257)	None
Ex. 1148	Posey Tax Return - 2002 (PC5204-5231)	None
Ex. 1149	Posey Tax Return - 2003 (PC 5180-5203)	None
Ex. 1150	Posey Tax Return - 2004 (PC 5153-5179)	None
Ex. 1151	Posey Tax Return - 2005 (PC 5743-5767)	None

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Ex. 1081, 1082, 1083, 1084	Finished Goods Literature Change Order/Release Notices (PC 5712-5723)	None
Ex. 1010	Results of Tampere testing on 06/02/06 (PC 5737-5742)	For the reasons stated in HipSaver's Motion in Limine [D.N. 241], HipSaver objects to the introduction of the 2006 Tampere test.
Ex. 1153	Bone article (PC5768-5774)	FRE 401; FRE 402; FRE 802, FRE 803
Ex. 1152	Detailed Financial Data 2001-2005 (PC 5817-5841)	None
Ex. 1154	Article - Wiener, et al., (HS2 1436-47)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1155	Article – Cameron, et al., (HS2 1635-1639)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1156	Article – (HS2 1640-48)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1157	Article – Kannus, et al., (HS2 1850-56)	FRE 401; FRE 402; FRE 802; FRE 803

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Ex. 1158	Article – Cameron, (HS2 1860)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1159	Article – Nabhani, et al., (HS2 1999-2006)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1171	Documents re: Garwood testing in 02/01 (G 0257-0284)	FRE 401; FRE 402
Ex. 1172	Complaint dated 06/10/2004	None
Ex. 1011	Correspondence between E. Posey and J. Minns (PC 5914-5915)	For the reasons stated in HipSaver's Motion in Limine [D.N. 241], HipSaver objects to the introduction of the 2006 Tampere test. If however, the Tampere test is allowed into evidence, HipSaver agrees that correspondence between Dr. Minns and Ernest Posey is relevant.

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Ex. 1101	Excerpt from VA manual re laundry facility operations (PC 5916-5926)	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1102, 1103, 1104	Washroom Time Line Report Summaries (EM 527-536)	FRE 901
Ex. 1085, 1086, 1087, 1088	Color copies of Posey advertising material (PC 5927-5938)	None
Ex. 1105	Wash Formula Guides (EM 537-538)	FRE 901
Ex. 1089	Textbook - Physics, (2d ed. 1989) by Ohanian	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1106	TRSA Laundry textbook	FRE 401; FRE 402; FRE 802; FRE 803
Ex. 1095	Wash logs (EM 527-528)	FRE 901